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General Assembly
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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-third year

Identical letters dated 13 June 2008 from the Secretary-General to the President of the General Assembly and the President of the Security Council

I attach for your attention a letter dated 5 June 2008 from Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia (see annex). President Pocar seeks the assignment of two ad litem judges to a case that is scheduled to start on 24 July 2008 and is anticipated to last for 17 months, which would exceed their terms of office which expire on 23 August 2009. In order that these two ad litem judges can be assigned as a matter of urgency, and so that the Secretary-General can assign other ad litem judges to cases anticipated to start towards the end of 2008, President Pocar seeks an extension of 12 months of the terms of office of all the Tribunal's ad litem judges, which expire on 23 August 2009.

The statute of the International Tribunal does not provide for extending the terms of office of the ad litem judges. In the absence of such a provision, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed.

I would be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda item 75, and of the Security Council.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 5 June 2008 from the President of the International Tribunal for the Former Yugoslavia to the Secretary-General

By the present letter, I wish to bring to your attention the situation of the 27 ad litem judges of the International Tribunal for the former Yugoslavia, who were elected at the 116th plenary meeting of the fifty-ninth session of the General Assembly on 24 August 2005 and whose four-year term ends on 23 August 2009.

A considerable number of pending trials are unlikely to conclude before 23 August 2009. Consequently, the International Tribunal needs an extension of the terms of the ad litem judges in order to properly manage its trials. Currently, we need an extension of term for two ad litem judges to allow the International Tribunal to start cases in July. In that respect, we are seeking assignment from the Secretary-General of ad litem Judges Michèle Picard (France) and Flavia Lattanzi (Italy) to *Prosecutor v. Momčilo Perišić*, case No. IT-04-81, which is scheduled to start on 24 July 2008 and is anticipated to last approximately 17 months. Given the need to render a number of important decisions before the start of the trial, we request that these assignments take effect on 6 June 2008.

In order to facilitate appointments by the Secretary-General of other ad litem judges to cases currently anticipated to start towards the end of the year, we request that the terms of our list of elected ad litem judges be extended for a period of 12 months from the expiration of their terms on 23 August 2009.

We would be grateful if you could bring this request to the attention of both the Security Council and the General Assembly as soon as possible, and should the request be received favourably, that you make the assignments of Judges Picard and Lattanzi to the *Perišić* case as a matter of urgency.

Thank you in advance for your action in this regard.

(*Signed*) Fausto **Pocar**
President